

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN – SOUTHEASTERN DIVISION

PORCHA WOODRUFF,
Plaintiff,

Hon. Judith E. Levy
Case No.: 5:23-cv-11886

- VS -

CITY OF DETROIT and LASHAUNTIA OLIVER,
Defendants.

LAW OFFICES OF IVAN L. LAND, P.C.,
Ivan L. Land Sr. (P65879)
Attorney for Plaintiff
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CITY OF DETROIT LAW DEPARTMENT
Gregory B. Paddison (P75963)
Attorney for Defendants
Coleman A. Young Municipal Center
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Detroit, MI 48226
(313) 237-0435
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CITY OF DETROIT’S ANSWER TO PLAINTIFF’S COMPLAINT,
RELIANCE UPON JURY DEMAND, SPECIAL AND AFFIRMATIVE DEFENSES, AND
DEMAND FOR REPLY

NOW COMES, Defendant, CITY OF DETROIT, by and through its attorney, Gregory B. Paddison, and for its answer to Plaintiff’s Complaint, Reliance Upon Jury Demand, Special and Affirmative Defenses, and Demand for Reply, states as follows:

INTRODUCTION

1. Defendant, CITY OF DETROIT, lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 1, and therefore denies the same.
2. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 2, and therefore denies the same.
3. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 3, and therefore denies the same.
4. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 4, and therefore denies the same.
5. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 5, and therefore denies the same.
6. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 6, and therefore denies the same.
7. Defendant denies the allegations of Paragraph 7, as the allegations stated therein are untrue.

JURISDICTION AND VENUE

Defendant, CITY OF DETROIT, reincorporates its responses to all prior paragraphs as if restated in full hereinafter.

8. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 8, and therefore denies the same.

9. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 9, and therefore denies the same.

10. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 10, and therefore denies the same.

PARTIES

Defendant, CITY OF DETROIT, reincorporates its responses to all prior paragraphs as if restated in full hereinafter.

11. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 11, and therefore denies the same.

12. Defendant admits the allegations of Paragraph 12.

13. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 13, and therefore denies the same.

FACTS

Defendant, CITY OF DETROIT, reincorporates its responses to all prior paragraphs as if restated in full hereinafter.

14. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 14, and therefore denies the same.

15. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 15, and therefore denies the same.

16. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 16, and therefore denies the same.
17. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 17, and therefore denies the same.
18. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 18, and therefore denies the same.
19. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 19, and therefore denies the same.
20. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 20, and therefore denies the same.
21. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 21, and therefore denies the same.
22. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 22, and therefore denies the same.
23. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 23, and therefore denies the same.
24. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 24, and therefore denies the same.
25. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 25, and therefore denies the same.

26. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 26, and therefore denies the same.
27. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 27, and therefore denies the same.
28. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 28, and therefore denies the same.
29. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 29, and therefore denies the same.
30. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 30, and therefore denies the same.
31. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 31, and therefore denies the same.
32. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 32, and therefore denies the same.
33. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 33, and therefore denies the same.
34. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 34, and therefore denies the same.
35. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 35, and therefore denies the same.

36. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 36, and therefore denies the same.

ARREST

Defendant, CITY OF DETROIT, reincorporates its responses to all prior paragraphs as if restated in full hereinafter.

37. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 37, and therefore denies the same.

38. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 38, and therefore denies the same.

39. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 39, and therefore denies the same.

40. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 40, and therefore denies the same.

41. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 41, and therefore denies the same.

42. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 42, and therefore denies the same.

43. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 43, and therefore denies the same.

44. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 44, and therefore denies the same.
45. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 45, and therefore denies the same.
46. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 46, and therefore denies the same.
47. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 47, and therefore denies the same.
48. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 48, and therefore denies the same.
49. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 49, and therefore denies the same.
50. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 50, and therefore denies the same.
51. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 51, and therefore denies the same.
52. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 52, and therefore denies the same.
53. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 53, and therefore denies the same.

54. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 54, and therefore denies the same.

55. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 55, and therefore denies the same.

56. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 56, and therefore denies the same.

57. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 57, and therefore denies the same.

58. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 58, and therefore denies the same.

59. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 59, and therefore denies the same.

60. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 60, and therefore denies the same.

61. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 61, and therefore denies the same.

62. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 62, and therefore denies the same.

63. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 63, and therefore denies the same.

64. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 64, and therefore denies the same.

65. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 65, and therefore denies the same.

66. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 66, and therefore denies the same.

67. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 67, and therefore denies the same.

68. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 68, and therefore denies the same.

69. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 69, and therefore denies the same.

70. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 70, and therefore denies the same.

71. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 71, and therefore denies the same.

72. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 72, and therefore denies the same.

73. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 73, and therefore denies the same.

74. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 74, and therefore denies the same.

75. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 75, and therefore denies the same.

76. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 76, and therefore denies the same.

77. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 77, and therefore denies the same.

78. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 78, and therefore denies the same.

79. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 79, and therefore denies the same.

80. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 80, and therefore denies the same.

COUNT I – FALSE ARREST AND IMPRISONMENT IN VIOLATION OF THE FOURTH AMENDMENT AND 42 USC § 1983 (DETECTIVE OLIVER)

81. Defendant, CITY OF DETROIT, reincorporates its responses to all prior paragraphs as if restated in full hereinafter.

82. Defendant admits the allegations of Paragraph 82.

83. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 83, and therefore denies the same.

84. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 84, and therefore denies the same.

85. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 85, and therefore denies the same.

COUNT II – 42 USC 1983 MALICIOUS PROSECUTION (DETECTIVE OLIVER)

86. Defendant, CITY OF DETROIT, reincorporates its responses to all prior paragraphs as if restated in full hereinafter.

87. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 87, and therefore denies the same.

88. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 88, and therefore denies the same.

89. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 89, and therefore denies the same.

90. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 90, and therefore denies the same.

91. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 91, and therefore denies the same.

COUNT III – ELLIOT LARSEN VIOLATION OF PUBLIC ACCOMMODATION OF PUBLIC SERVICE AT MCLA § 37.2301 (DEFENDANT DETROIT AND DETECTIVE OLIVER)

92. Defendant, CITY OF DETROIT, reincorporates its responses to all prior paragraphs as if restated in full hereinafter.

93. Defendant denies the allegations of Paragraph 93, as the allegations stated therein are untrue.

94. Defendant admits the allegations of Paragraph 94.

95. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 95, and therefore denies the same.

96. Defendant denies the allegations of Paragraph 96, as the allegations stated therein are untrue.

97. Defendant denies the allegations of Paragraph 97, as the allegations stated therein are untrue.

98. Defendant denies the allegations of Paragraph 98(a-d), as the allegations stated therein are untrue.

COUNT IV – *MONELL* LIABILITY FOR FALSE ARREST AND IMPRISONMENT IN VIOLATION OF THE FOURTH AMENDMENT AND 42 USC 1983 (DEFENDANT DETROIT)

99. Defendant, CITY OF DETROIT, reincorporates its responses to all prior paragraphs as if restated in full hereinafter.

100. Defendant denies the allegations of Paragraph 100, as the allegations stated therein are untrue.

101. Defendant denies the allegations of Paragraph 101, as the allegations stated therein are untrue.

102. Defendant denies the allegations of Paragraph 102, as the allegations stated therein are untrue.

103. Defendant denies the allegations of Paragraph 103, as the allegations stated therein are untrue.

**COUNT V –FALSE ARREST AND IMPRISONMENT (STATE CLAIM) [DETECTIVE
OLIVER]**

104. Defendant, CITY OF DETROIT, reincorporates its responses to all prior paragraphs as if restated in full hereinafter.

105. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 105, and therefore denies the same.

106. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 106, and therefore denies the same.

107. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 107, and therefore denies the same.

108. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 108, and therefore denies the same.

COUNT VI – MALICIOUS PROSECUTION (STATE CLAIM) [DETECTIVE OLIVER]

109. Defendant, CITY OF DETROIT, reincorporates its responses to all prior paragraphs as if restated in full hereinafter.

110. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 110, and therefore denies the same.

111. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 111, and therefore denies the same.

112. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 112, and therefore denies the same.

113. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 113, and therefore denies the same.

COUNT VII – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS (DETECTIVE OLIVER)

114. Defendant, CITY OF DETROIT, reincorporates its responses to all prior paragraphs as if restated in full hereinafter.

115. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 115, and therefore denies the same.

116. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 116, and therefore denies the same.

117. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 117, and therefore denies the same.

118. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 118, and therefore denies the same.

119. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations stated in Paragraph 119, and therefore denies the same.

WHEREFORE, Defendant, CITY OF DETROIT, respectfully requests that this Honorable Court enter a judgment no cause of action, or in the alternative, that the

present cause be dismissed, with prejudice, with costs and attorneys' fees awarded to Defendant.

Respectfully submitted,
CITY OF DETROIT LAW DEPARTMENT

Dated: August 24, 2023

/s/ Gregory B. Paddison
Gregory B. Paddison (P75963)
Attorney for Defendant

RELIANCE ON JURY DEMAND

NOW COMES, Defendant, CITY OF DETROIT, by and through its attorney, Gregory B. Paddison, and hereby gives notice of its reliance on Plaintiff's demand for trial by jury.

Respectfully submitted,
CITY OF DETROIT LAW DEPARTMENT

Dated: August 24, 2023

/s/ Gregory B. Paddison
Gregory B. Paddison (P75963)
Attorney for Defendant

DEMAND FOR COMPULSORY JOINDER

NOW COMES, Defendant, CITY OF DETROIT, by and through its attorney, Gregory B. Paddison, and demands that Plaintiff join any and all claims arising out of the transactions, acts, or occurrences, allegedly giving rise to the present action.

Respectfully submitted,
CITY OF DETROIT LAW DEPARTMENT

Dated: August 24, 2023

/s/ Gregory B. Paddison
Gregory B. Paddison (P75963)
Attorney for Defendant

SPECIAL AND AFFIRMATIVE DEFENSES

NOW COMES, Defendant, CITY OF DETROIT, by and through its attorney, Gregory B. Paddison, and set for its Special and Affirmative Defenses as follows:

1. Plaintiff has failed to set forth a cause of action upon which relief can be granted.
2. Defendant is entitled to Governmental Immunity against the claims set forth in Plaintiff's Complaint.
3. Plaintiff has failed to mitigate his alleged damages.
4. The Defendant is, or may be, without jurisdiction.
5. Plaintiff's claims are, or may be barred by the applicable statute of limitations.
6. Plaintiff's claims are, or may be barred for failure to exhaust statutory, administrative, and/or other available remedies.
7. Plaintiff has failed to join every legal or equitable claim which arises out of the alleged transaction or occurrence which is the subject matter of Plaintiff's instant action.
8. That any alleged injuries to Plaintiff were due to and caused by the negligence and/or omission of the Plaintiff to care for himself which carelessness, and/or negligence, and/or omissions were the proximate cause of the damage, if any, to the Plaintiff.

9. That any injuries or damages suffered by Plaintiff was caused by reason of Plaintiff's wrongful acts and conduct and/or the willful resistance to a Peace Officer in the discharge, and/or attempt to discharge his or her office, and not by reason of any unlawful acts of omissions of CITY OF DETROIT.
10. The actions of the individual Defendant was lawful and proper, and probable cause existed for the arrest of Plaintiff.
11. The actions of the individual Defendant was reasonable, proper and legal.
12. The individual Defendant had reasonable cause to believe that an offense had been committed and that Plaintiff had committed the offense.
13. If the Plaintiff sustained any injuries, damage, or loss, the same was solely and proximately occasioned by the carelessness, heedlessness and negligence of the Plaintiff in failing to act in a reasonable, prudent manner, acting without due care and circumspection and in a manner dangerous to or likely to endanger Plaintiff's own safety, and not because of any act or omission of, or chargeable to, Defendants.
14. CITY OF DETROIT, by and through its undersigned counsel, does not waive any deficiency or omission in any pleadings heretofore or hereafter filed by any other party to the above-captioned matter, and hereby reserves the right to assert and file any additional affirmative and special defenses as may become known

through discovery proceedings in accordance with the rules and practices of this Court, or otherwise.

WHEREFORE, Defendant, CITY OF DETROIT, respectfully requests that this Honorable Court enter a judgment no cause of action, or in the alternative, that the present cause be dismissed, with prejudice, with costs and attorneys' fees awarded to Defendant.

Respectfully submitted,
CITY OF DETROIT LAW DEPARTMENT

Dated: August 24, 2023

/s/ Gregory B. Paddison
Gregory B. Paddison (P75963)
Attorney for Defendants

DEMAND FOR REPLY

Defendant, CITY OF DETROIT, demands a reply to each and every Affirmative Defense set forth herein.

Respectfully submitted,
CITY OF DETROIT LAW DEPARTMENT

Dated: August 24, 2023

/s/ Gregory B. Paddison
Gregory B. Paddison (P75963)
Attorney for Defendant